

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SARA J. VAN DYKE,	:	12 Civ. 8354 (GBD)
	:	
	:	
Plaintiff,	:	
	:	
-against-	:	ECF CASE
	:	
	:	DECLARATION OF JOHN
	:	LERNER IN SUPPORT OF
Partners of DEBEVOISE & PLIMPTON LLP,	:	DEFENDANT BREAKING
BREAKING MEDIA, INC., PAUL GALLIGAN,	:	MEDIA, INC.'S MOTION TO
	:	DISMISS
and DOES 1-6,	:	
	:	
Defendants.	:	
	:	
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JOHN LERNER declares as follows pursuant to 28 U.S.C. §1746:

1. I am the Chief Executive Officer of Breaking Media, Inc (“Breaking Media”). I make this declaration based on personal knowledge and my personal review of documents in support of Breaking Media’s motion to dismiss Plaintiff’s Complaint.
2. Breaking Media is a corporation whose principal place of business is 611 Broadway, Suite 907D, New York, New York 10012, the “main office” identified by the Plaintiff for Breaking Media in paragraph 11 of her Complaint. Attached hereto as Exhibit A is a true and complete copy of Plaintiff’s Complaint.
3. As generally characterized in the Complaint, Breaking Media owns and operates Abovethelaw.com (“ATL blog”).
4. As generally characterized in the Complaint, the ATL blog functions as an open discussion forum to which third parties can contribute content directly on the website as reader’s comments to existing posts or to other third party comments. These contributions are not authored in whole or in part by Breaking Media. Plaintiff’s Complaint seeks to hold Breaking Media liable for the content of such third party contributions.

I declare under penalty of perjury under the laws of the United States of America and the laws of the State of New York that the foregoing is true and correct:

Executed on: New York, New York
January 14, 2013



JOHN LERNER